



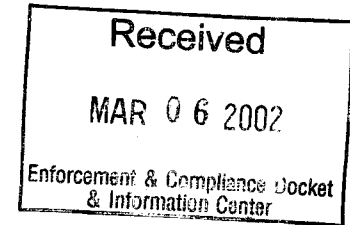
TEXAS CHEMICAL COUNCIL

EC-2000-007
1V-D-1.60

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February 22, 2002

United States Environmental Protection Agency
Enforcement and Compliance Docket and Information Center
Mail Code 2201A
Attn: Docket Number EC-2000-007
1200 Pennsylvania Avenue NW
Washington, DC 20460



RE: Establishment of Electronic Reporting: Electronic Records; Proposed Rule
Docket Number: EC-2000-007

Dear Sir:

Texas Chemical Council (TCC) appreciates the opportunity to comment on the Proposed Rule – Establishment of Electronic Reporting: Electronic Records that appeared in 66 FR 66161 on August 31, 2001. TCC members represent a major component of the manufacturing sector in Texas. The chemical industry results in the employment of more than 450,000 Texans with a total annual payroll of more than \$15 billion. The chemical industry has invested more than \$40 billion in Texas facilities, generates about one-quarter of the state's manufacturing value added and accounts for a similar percentage of manufacturing shipments.

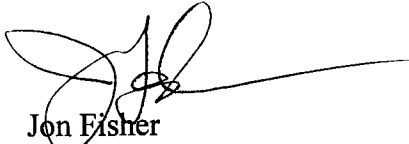
We offer the following general comments:

- 1) TCC fully supports and endorses the comments submitted by the American Chemistry Council.
- 2) Our member companies have made major investments in recent years to develop and install computer hardware and software to reduce and often eliminate the need to keep paper records and reports. This proposed rule would require substantial if not total replacement of existing systems similar to what happened in 1999 in implementing Y2K compatible equipment and software.
- 3) EPA estimates that a facility or plant site would incur a cost of \$40,000 to implement this proposed rule. One TCC member company that has ten individual process units each with its own computerized recordkeeping and reporting system estimates their implementation cost to be \$400,000 for the total facility assuming that software and hardware meeting the requirements of this proposed rule currently existed. It appears that EPA has vastly underestimated the cost to regulated entities to implement this rule.

- 4) Even if required environmental reports were submitted by paper copy, EPA needs to recognize that today's word processors are in reality computers and would therefore be subject to this rule. Today's word processors, including those used by EPA, most likely do not meet the requirements of this rule, another significant expense to bring existing systems up to this proposed standard.
- 5) While EPA states in the proposed rule that it is "voluntary", it appears that, given the wide breadth of the definition of "electronic record" found in Section 3.3, this rule is in reality a mandatory rule. TCC member companies find this very misleading.
- 6) TCC Member companies have spent years developing reliable and efficient recordkeeping systems to maintain data required by the various regulations. Immediate compliance with this rule would effectively turn the clock back 35 or more years to the days of the unreliable circular and strip charts, something that is simply not doable in today's competitive worldwide environment.

For these reasons TCC feels that this proposed rule should be withdrawn and the stakeholder process used to develop a more meaningful and workable rule governing electronic reporting and recordkeeping. TCC appreciates this opportunity to comment on this rulemaking. Please feel free to contact me or Mr. E. G. Fiesinger at 281-228-4486 should you have any questions regarding our comments.

Sincerely,



Jon Fisher
Senior Vice President